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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,806	02/21/2002	Franz Josef Gassmann	298-154	9917

7590

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EXAMINER

SMITH, ARTHUR A

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 07/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,806

Applicant(s)

GASSMANN, FRANZ JOSEF

Examiner

Arthur A Smith

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include reference signs not mentioned in the description. A proposed amendment to the specification to add the reference signs in the description is required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. (The Examiner notes that the Applicant has already indicated in the response filed on 4/16/03, that changes to the specification to reflect the new drawings will be made.)

Specification

The disclosure is objected to because of the following informalities:

Page 13 line 24 delete "are [sic]" and insert - - is - -.

Page 16 lines 15-17 are objected since they refer to the claims. The claims are not embodiments of the invention and should not be included in the specification.

Appropriate correction is required.

Claim Objections

Claim 6 is objected to because of the following informalities: before "means" insert - - by - -. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 14, 15, and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwartz et al. (USPN 4511229).

In reference to claim 1, Schwartz et al. discloses a camera for recording an image information, characterized by the fact that the recording device has one or more media for creating light signals with know spectral intensity distribution and/or chromaticity coordinates and/or brightness, col. 3 lines 1-17 and col. 5 lines 23-27, which can be recorded by means of a recording medium, ref. 270, positioned in or capable of being positioned in the camera, col. 6 lines 49-52

In reference to claim 2, Schwartz et al. discloses wherein the light signal has wavelengths in the visual range or in the range of shorter wavelengths, col. 4 lines 9-12.

In reference to claim 3, Schwartz et al. discloses wherein the light signal consists of white light, col. 5 lines 16-22.

In reference to claim 4, Schwartz et al. discloses wherein by means of the light-signal-creating media several separate light signals with respective known chromaticity coordinates that can be recorded by the recording medium can be created, col. 5 lines 23-27.

In reference to claim 5, Schwartz et al. discloses wherein several spatially and/or spectrally separate light signals can be created, col. 5 lines 23-27.

In reference to claim 6, Schwartz et al. discloses wherein by means of the light-signal-creating media light a red, a green and a blue light signal can be created, col. 5 lines 23-27.

In reference to claim 7, Schwartz et al. discloses wherein the red, the green, and the blue light signals together produce white light, col. 5 lines 17-27

In reference to claim 8, Schwartz et al. discloses wherein by means of the light-signal-creating media a light signal complementary to red, a light signal complementary to green, and a light signal complementary to blue can be created, col. 5 lines 54-57 and col. 3 lines 13-17 (any colors from the "Macbeth" test chart can be selected).

In reference to claim 10, Schwartz et al. discloses wherein the camera is an analog or digital photo camera, an analog or digital movie camera, or a TV camera, col. 3 lines 35-37.

In reference to claim 14, Schwartz et al. discloses wherein the camera or the recording medium is executed in such manner that the image information is recorded in several spectral ranges, col. 5 lines 23-27.

In reference to claim 15, Schwartz et al. discloses wherein the image formation is recorded in the three spectral ranges of red, green, and blue, or complementary ranges, or between the blue/green and green/red ranges or ranges complementary thereto, and the light-signal-creating media are executed in such manner that the light signal can be recorded in each of these spectral ranges, col. 5 lines 23-27.

In reference to claim 17, Schwartz et al. discloses wherein the light-signal-creating media include light-emitting diodes, incandescent lamps, laser diodes, fluorescent diodes, luminance diodes, glow lamps, or other light media, col. 5 lines 23-27.

In reference to claim 18, Schwartz et al. discloses wherein the light-signal-creating media have on or more chromaticity and/or intensity filters positioned between the lighting medium and the recording medium, col. 6 lines 28-31

In reference to claim 19, Schwartz et al. discloses a process for reconstructing an image information recorded on a recording medium, characterized by the fact that the image is reconstructed in such manner that the spectral intensity distribution and/or the chromaticity coordinates and/or the brightness accords with a light signal information, recorded on the recording medium and reconstructed, of a light signal generated by the light-signal-creating media, or of the light signal complementary thereto, or the divergence between the reconstructed and the created light signal lies within a tolerance range or is minimized, col. 6 lines 14-34 and col. 4 lines 57-68.

In reference to claim 20, Schwartz et al. discloses a process for calibrating an image information recorded on a recording medium, characterized by the fact that the divergence of the reconstructed light signal is recorded parametrically to the light signal generated by the light-signal-creating media or the light signal complementary thereto, and these parameters are processed as calibration parameters for further image reconstruction and/or image processing, col. 6 lines 14-34 and col. 4 lines 57-68.

In reference to claim 21, Schwartz et al. discloses wherein the calibration parameters are used to minimize the divergence of the reconstructed light signal from the camera-created light signal or the light signal complementary thereto in the image reconstruction, col. 4 lines 57-68.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al. (USPN 4511229) in view of Kaplan (USPN 4977521).

In reference to claims 11-13 and 16, Schwartz et al. discloses the limitations of the parent claim as disclosed above. Schwartz et al. does not disclose wherein the light-signal-creating media are executed in such a manner that the light signal is characterized by its brightness or produces two or more separate light signals having differing brightness can be created wherein the image formation can be recorded as a black-and-white image. Kaplan discloses a means for corrected variations in a photographic medium by printing a calibration pattern on the medium after the medium is exposed, col. 5 line 66 — col. 6 line 11. Kaplan further discloses wherein the calibration pattern is based on a gray scale (varying brightness), col. 6 lines 9-11. It would have been obvious to one of ordinary skill in the art at the time the invention was

made to incorporate a calibration pattern utilizing varying brightness in the camera of Schwartz et al. This would be done to allow for calibration of black and white films that are interchangeably with color films used in the single lens reflex cameras disclosed by Schwartz et al.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur A Smith whose telephone number is (703) 605 1228. The examiner can normally be reached on Monday - Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays during the same hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on (703) 308 2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9318 for regular communications and (703) 872 9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

AAS
June 25, 2003


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
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